Supreme Court, U.S.
FILED

011343 MAR - 5 2002

OFFICE OF THE CLERK

No.

In The
Supreme Court of the United States

JAMES KNISKERN, et al.,
Petitioners,

v.

RON AMSTUTZ, et al.,
Respondents.

On Petition for Writ of Certiorari
To the Ohio Supreme Court & Ohio Court of Appeals,
Eighth Appellate District

APPENDIX TO PETITION FOR WRIT OF CERTIORARI

Vol. I of IV
Pages 1-37, A-H

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Court of Appeals of Ohio, Eighth District
County of Cuyahoga
NO. 78407

JAMES KNISKERN, ET AL.,:		
Plaintiffs-Appellants	:	JOURNAL ENTRY
	:	and
vs.	:	OPINION
RON AMSTUTZ, ET AL.,	:	
Defendants-Appellees	:	

DATE OF ANNOUNCEMENT:
OF DECISION : JUNE 7, 2001

CHARACTER OF PROCEEDING: Civil appeal from
Common Pleas Court
Case No. 401459

JUDGMENT : AFFIRMED AND REMANDED

DATE OF JOURNALIZATION : _____

APPEARANCES:

For plaintiffs-appellants: Donald Weisberger
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Cleveland Heights Ohio 44118

For defendants-appellees: Betty D. Montgomery, Esq
Attorney General of Ohio
BY: Judith L. French, Esq.
Elizabeth Luper Schuster, Esq
30 E. Broad St. 17th Floor
Columbus, Ohio 43215

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MICHAEL J. CORRIGAN, j.:

This is an appeal from the grant of summary judgment entered by the trial court on appellants complaint filed in the Cuyahoga County Court of Common Pleas against seventy-two (72) legislators who voted on September 26, 1996 for the passage of Am.Sub.H.B. No.350, commonly known as the "tort reform" legislation. Because we find that the causes of action contained in appellants' complaint are wholly without merit and that the appellees enjoy absolute immunity for asserted causes of action arising out of their legislative duty, we affirm the ruling of the trial court.

Civ.R. 56 provides that summary judgment may be granted only after the trial court determines: 1) no genuine issues as to any material fact remain to be litigated; 2) the moving party is entitled to judgment as a matter of law; and 3) it appears from the evidence that reasonable minds can come but to one conclusion and viewing such evidence most strongly in favor of the party whom the motion for summary judgment is made, that conclusion is adverse to that party. Norris v Ohio Std. Oil Co. (1982), 70 Ohio App.2d 1; Temple v Wean United, Inc.(1977), 50 Ohio St.2d 317.

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The appellants' complaint vaguely purports to be brought under the auspices of 42 U.S.C. § 1983, and thus the alleges that the conduct complained of deprived the appellants of rights, privileges or immunities secured by the Constitution or laws of the United States. The United States

Supreme Court has repeatedly held that legislators enjoy absolute immunity from suits brought under 42 U.S.C. § 1983 for actions within the sphere of legislative activity. Bogan v. Scott-Harris (1998), 523 U.S. 44, 49 118 S.Ct. 996, 970.

In Tenney v. Brandhove (1951, 341 U.S. 367, 71 S.Ct 783, the Court stated that:

> The claim of an unworthy purpose does not destroy the privilege. Legislators are immune from deterrents to the uninhibited discharge of their legislative duty, not for their private indulgence but for the public good. One must not expect uncommon courage even in legislators. The privilege would be of little value if they could be subjected to the cost and inconvenience and distractions of a trial upon a conclusion of the pleader, or to the hazard of a judgment against them based upon a jury's speculation as to motives. The holding of this Court in Fletcher v. Peck, 6 Cranch 87, 130, that it was not consonant with our scheme of government for a court to inquire into the motives of legislators, has remained unquestioned. See cases cited in Arizona v California, 283 U.S. 423, 455.

Ohio courts have also long recognized that when a legislator votes on a proposed bill or ordinance, he is

performing a

quintessential legislative function and thus enjoys absolute immunity arising out of the casting of that vote. Additionally Article II, Section 12 of the Ohio Constitution, which is nearly identical to Article I Section 6 of the United States Constitution states:

> Senators and representatives, during the session of the general assembly shall be privileged from arrest *** and for any speech, or debate, in either house, they shall not be questioned elsewhere.

In Hicksville v. Blakeslee (1921), 103 Ohio St. 508, 517-518 the Ohio Supreme Court stated:

> That the legislative officers are not liable personally for their legislative acts is so elementary, so fundamentally sound, and has been universally accepted, that but few cases can be found where the doctrine has been questioned and judicially declared.
>
> ***
>
> The exercise of discretion by a village councilman in voting for a resolution or ordinance void by reason of statutory limitation upon the power of council is no different from the exercise of discretion be a member of the general assembly in voting for a statute void by reason of a constitutional limitation upon the power of

> the general assembly, yet no one would claim that a legislator would be liable either in his official or in his individual capacity for the exercise of judgment and discretion in voting for such void statute. (Emphasis added)

It should be obvious to any reasonable person that the trial court correctly determined that the appellees were acting in their

legislative capacities, rather than their individual capacities, when they voted in favor of the passage of the tort reform legislation. Appellants' counsel evidences a fundamental misapprehension of existing law in the realm of legislative immunity by filing a lawsuit wherein it is alleged that individual legislators may be held personally liable for voting for passage of a statute that is later held unconstitutional.

The appellants theorize that the appellees are not immune from personal liability arising out of their vote in favor of the tort reform legislation because they acted in a "judicial" manner when they tried to usurp the prerogative of the judiciary by legislating in the area of tort reform. According to the appellants' logic, the immunity from suit of the individual legislators was usurped when the Supreme Court decided State ex rel. O.A.T.L v Sheward (1999), 86 Ohio St3d. 451, wherein a majority of four justices held that the tort reform legislation was unconstitutional in toto. There is absolutely no support for this assertion to be found with the test of the Court's decision in Sheward or elsewhere. If

legislative immunity were to be conditioned upon favorable review of legislation in the courts, the doctrine would be rendered meaningless and both the legislature and judiciary would

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become increasingly politicized. For these very reasons, amongst others, there has never been a serious suggestion that the immunity from suit afforded to legislators be modified in the manner suggested by the appellants.

The appellants also assert in this appeal that they were denied due process of law when their case was "transferred" from the docket of the trial judge to whom it was originally assigned to a retired judge sitting by assignment. The appellants counsel actually claims that he should have been given an opportunity to "voir dire" the second judge to ascertain whether or not he is neutral and impartial. Initially, we note that there is no evidence in the record that this case was ever transferred from the docket of the judge to whom it was assigned. It is not uncommon for visiting judges to be assigned to manage the docket of the trial judge who anticipates being absent for an extended period due to illness or some other factor(s). If the appellants had a problem with the judge who ruled on the motions in this case, their remedy was to file an affidavit of prejudice with the Supreme Court. Having failed to have done so, and having failed to present even a scintilla of evidence of bias to this court, the appellant will not be heard in the instant appeal to complain of bias or prejudice.

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Far from being " a difficult case of first impression," as suggested by the appellants in their brief filed with this court, this case presents no serious legal issues or questions of fact. As the trial court aptly noted:

> *** Plaintiffs are simply attempting to fix responsibility for damages on the legislator-defendants by asserting an irresponsible, legally untenable theory of speculation as to what the Supreme Court may have considered in denying their discretionary appeal.
>
> The claims and faulty legal reasoning spread upon the volumes of paper pages filed by Plaintiffs in this case come as close to "frivolous" as one can imagine. It will be remembered for its proxlixity, not for its substance.

Accordingly, each of the appellants' assignments of error is overruled and the judgment of the trial court is affirmed in its entirety. This case is remanded to the trial court for the purpose of ruling on the pending motion for attorney fees and expenses filed by the appellees.

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This cause is affirmed and remanded for proceedings consisitent with this opinion.

It is ordered that appellees recover of appellants

herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the Common Pleas Court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

Signed Michael J. Corrigan
MICHAEL J. CORRIGAN
JAMES D. SWEENY, P.J. and
ANN DYKE, J., CONCUR

ANNOUNCEMENT OF DECISION
PER APP. R. 22(B0, 22(D) AND 26(A)
RECEIVED
JUNE 07 2001
GERALD E. FUERST
CLERK OF COURT OF APPEALS
BY_____ DEP.

N.B. This entry is an announcement of the court's decision. See App.R. 22(B), 22(D) and 26(A); Loc.App.R. 22. This decision will be journalized and will become the judgment and order of the court pursuant to App.R.22(E) unless a motion for reconsideration with supporting brief, per App.R. 26(A), is filed within ten (10) days of the announcement of the court's decision. The time period for review by the Supreme Court of Ohio shall begin to run upon the journalization of this court's announcement of decision by

the clerk per App.R. 22(E). See, also, S.Ct.Prac.R. II, Section 2(A)(1).

APPENDIX B

Court of Appeals of Ohio, Eighth District
County of Cuyahoga
Gerald E. Fuerst, Clerk of Courts

JAMES KNISKERN, ET AL
Appellant

COA NO. 78407 LOWER COURT NO. CP CV-401459

COMMON PLEAS COURT

-vs-

RON AMSTUTZ, ET AL
Appellee

MOTION NO. 29005

Date 6/27/2001

Journal Entry

MOTION BY APPELLANT FOR RECONSIDERATION IS DENIED

RECEIVED FOR FILING
JUNE 27 2001
GERALD E. FUERST
CLERK OF THE COURT OF APPEALS
BY (SIGNED) AL U DEP.

Presiding Judge James D. Sweeny, Concurs
Judge Ann Dyke, Concurs /s/ Michael J. Corrigan
Judge MICHAEL J. CORRIGAN

APPENDIX C

STATE OF OHIO) IN THE COURT OF
) COMMON PLEAS
)
) SS.
)
CUYAHOGA COUNTY) CASE NO. CV401459
EDP
N.I
JAMES KNISKERN,etc, et al)
) F
Plaintiffs)
) JOURNAL ENTRY
RON AMSTUTZ,etc, et al)
)
Defendants)

RALPH A McALLISTER, JUDGE

This is an action brought by Plaintiffs against fifty-three (53) members of the Ohio House o Representatives, nineteen(19) members of the Ohio Senate and John Does I,II and III.

The seventy two, 72 legislator-defendants were duly elected members of the Ohio Legislature who voted for, and thus caused to be enacted into law, Am.Sub.H.B. No. 350 commonly known as the "Tort Reform" law (hereinafter Tort Reform"). Although they were acting in their official

capacity as legislators when they voted for Tort Reform, they are sued in this case in their individual capacity only. (Interestingly, Plaintiffs did not join the governor sued who signed the Tort Reform Bill into law.)

The "John Does" defendants have not been identified further, but were joined as defendants on Plaintiffs' claims that they were lobbyists who influenced defendant-legislators to vote for the Tort Reform legislation.

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The Tort Reform legislation was declared unconstitutional in toto by the Ohio Supreme Court(State ex rel. O.A.T.L v Sheward(1999), 86 Ohio St.3d 451).

Plaintiffs bring this action pursuant federal law Section 1983, Title 47, U.S.C., commonly referred to as a "1983 action".

A 1983 action requires proof that (1) the conduct complained of be committed under color of state law; and (2) the conduct deprive the claimant of rights,privileges or immunities secured by the Constitution or laws of the United States.

The factual basis for this case actually occurred on June 13, 1992, in Somerford Township, Madison County, Ohio, on highway I-70 when an automobile driven by Nino Cavaliere went off the road, travelled some 98 feet, and struck a bridge foundation causing three deaths and personal, injuries to three other passengers.

In addition to proceedings in Probate Division, Plaintiffs filed two actions in General Division of Common Pleas Court. These cases went next to two Court of Claims

actions, Cases No 94-07926 and 95-02901 PR. All were decided against the Plaintiffs who then appealed to the Ohio Supreme Court unsuccessfully. Plaintiffs now say Tort Reform caused the Supreme Court to dismiss their appeal.

Plaintiffs say that the defendants did just what Section 1983 is intended to prevent, i.e, by enacting Tort Reform they:

> ... repealed the statutory predicate upon which plaintiffs were relying thereby removing the Supreme Court of Ohio's constitutional right to grant plaintiffs a discretionary appeal hearing, and as a matter of law compelling the court to deprive plaintiffs of their discretionary appeal to the Court.(Complaint, par. 32)

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Plaintiffs also claim they bring this action against the legislator-defendants:

> ... in their individual capacity, in that they knowingly, intentionally, maliciously and with wilful (sic) or wanton disregard for the civil rights of the plaintiffs, acted under color of law, to damage the plaintiffs in their suit against the State of Ohio, by acting judicially through the enactment of Am.Sub.H.B. No. 350,that repealed certain language in Ohio statutes, relevant to the facts of plaintiffs' cases, that

> plaintiffs had relied upon both as a basis of the State's tort liability and in their Memorandum of jurisdiction, to establish that the issue presented thereby, were issues of public or great general interest, jurisdictionally qualifying plaintiffs for a discretionary appeal in the Supreme court of Ohio. Complaint, par. 8)

Plaintiffs' claims are based on mere speculation. They had no federally protected right to appeal to the Supreme Court. They cannot say persuasively that but for Tort Reform the Supreme Court would have accepted their appeal(Case No.96- 1861). Indeed, the Supreme Court disposed of the appeal sua sponte with a one-line entry on December 20, 1996, to wit: "No substantial constitutional question; discretionary appeal not allowed".
(Kniskern v Somerford Twp., 77 Ohio St.3d 1485.)

Plaintiffs Motion for Reconsideration of the dismissal was denied on December 30, 1996. (Kniskern v. Somerford Twp., 77 Ohio St.3d 1549.)

Am.Sub.H.B. 350 became effective January 7, 1997 subsequent to the Supreme Court's actions in denying both the discretionary appeal and Motion for Reconsideration. It defies credulity for Plaintiffs to claim that "Tort Reform" influenced the Supreme Court's decisions denying their discretionary appeal.

The damages Plaintiffs seek in this case have been judicially determined in prior cases to have been caused by

the driver of their automobile who fell asleep at the wheel

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It should be noted that the Ohio Constitution provides (in pertinent part):

> Senators an representatives...for any speech, or debate,in either house, they shall not be questioned elsewhere.(Ohio Constitution, Art.II, Sec. 12)

The United States Constitution provides almost identical language in Article I, Sec 6:

> The Senators and Representatives... for any Speech or Debate in either House, they shall not be questioned in any other place.

These two constitutional provisions alone should be sufficient basis on which to grant Summary Judgment of Dismissal.

But case law clearly establishes that legislators are absolutely immune from suit filed pursuant to Section 1983 when acting in their legislative capacity. Although Plaintiffs state repeatedly that they are suing defendants "in their personal capacity", each defendant who voted for Tort Reform did so as a legislator, not as a private citizen.

Plaintiffs cite no authority to the contrary.

It is clear that Plaintiffs are merely engaging in exaggerated unsupported speculation when they seek to place responsibilities for their injuries, wrongful deaths and damages on defendant-legislators who were doing what they were elected to do, i.e., consider and vote for legislation, when they voted for Tort Reform. As the Supreme Court opinion stated in State ex rel. O.A.T.L v. Sheward (supra) at 455:

> For more than a decade, Ohio has been 1home to an ongoing conflict over the necessity and propriety of transforming the civil justice system... Research indicates there is a vast amount of scholarly analysis available on either side of virtually every conceivable aspect of this debate. All arguments going to the soundness of legislative policy, however, are directed to their proper place, which is outside the door to this courthouse. This court has nothing to do with the policy or wisdom of a statute. That is the exclusive concern of the

VOL 2487 PG 244

legislative branch of the government. State ex rel.

Bishop v Mt. Orab Village School District Board of Education (1942, 139 Ohio St. 427

The fact that Sheward (supra) was decided by a 4-3 vote of the justices is further evidence of the controversy attending this Tort Reform

Legislators, to be effective in their elective responsibilities, are necessarily confronted with differences of opinion as to the merits of bills presented to them for consideration and vote. This explains why, historically and constitutionally, they cannot be questioned on their legislative actions. They are absolutely immune, personally or otherwise, from the claims presented against them in this case.

It would serve no purpose to cite all the case law supporting absolute immunity for legislators. (See Motion of State Defendants for Summary Judgment and Memorandum of Support filed by defendants in this case.)

One case, however, deserves some comment here because plaintiffs seem to have relied upon it in spite of the fact that it presents a fact situation quite different from the one presented in the case at bar. At pages 24,25 of Plaintiffs' Brief in Opposition to Defendants' Motion for Summary Judgment, Plaintiffs state:

> The whole legal rational(sic) of the case of Hafer v Melo, Jr.(1991) 502 U.S. 21 stands for the legal proposition that state officers may be personally liable for damages under 42 U.S.C

> §1983 based on actions taken in their official capacities when sued in their individual capacity..

But Hafer (supra) says much more than that. In ruling that the auditor general of Pennsylvania did not have immunity from suit, the Supreme Court state, at page 29:

> This court has refused to extend absolute immunity beyond a very limited class of officials, including the President of the United States, legislators carrying out their legislative functions, and judges carrying out their judicial functions, "whose special functions or constitutional status requires complete protection from suit" Haslow v Fitzgerald, 457 U.S. 800.

It is clear, then, that Plaintiffs have ignored the law, and the reasoning supporting it, that holds legislators absolutely immune from such as this in the circumstances of defendants actions in voting for Tort Reform or any other legislation.

Defendant-legislators cannot be held personally liable

for damages suffered by plaintiffs simply because they voted for legislation which was later declared unconstitutional. It is beyond controversy that Plaintiffs' damages were caused by negligence of their driver in causing their automobile crash. Plaintiffs are simply attempting to fix responsibility for the damages on the legislator-defendants by asserting an irresponsible, legally untenable theory of speculation as to what the Supreme Court may have considered in denying their discretionary appeal.

The claims and faulty legal reasoning spread upon volumes of paper pages file by Plaintiffs in this case come as close to "frivolous" as one can imagine. The complaint itself (49 pages plus 52 pages of exhibits violates Civ. 8 and could be subject to an order striking it from the file. It will be remembered for its prolixity, not for its substance.

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There being no issues of material fact sufficient to overcome their absolute immunity, Defendants' Motion for Summary Judgment of dismissal is granted to all defendants in this case. All other defendants and pending motions are dismissed at Plaintiffs' costs.

IT IS SO ORDERED

Date July 21, 2000 Signed Ralph A. McAllister
RALPH A McALLISTER, JUDGE

RECEIVED FOR FILING

JUL 24, 2000

GERALD E.FUERST
(Signed)ByL.Shoulders Dep.

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APPENDIX D

The Supreme Court of Ohio

Filed
Oct 24 2001
Marcia J. Mengel, Clerk
Supreme Court of Ohio

James Kniskern et al.,	:	Case No. 01 - 1428
Appellants,	:	
v.	:	ENTRY
Ron Amstutz et al.,	:	
Appellees	:	

Upon consideration of the jurisdictional memoranda filed in this case, the Court declines jurisdiction to hear the case and dismisses the appeal as not involving any substantial constitutional question.

COSTS:

Docket Fee, $40.00, paid by Donald Weisberger.

(Cuyahoga County Court of Appeals; No 78407)

Signed Thomas J. Moyer
Thomas J. Moyer
Chief Justice

APPENDIX E

The Supreme Court of Ohio

Filed
Dec 05 2001
Marcia J. Mengel, Clerk
Supreme Court of Ohio

James Kniskern et al.,	:	Case No. 01 - 1428
Appellants,	:	
		RECONSIDERATION
v.	:	ENTRY
		(Cuyahoga County)
Ron Amstutz et al.,	:	
Appellees	:	

It is ordered by the Court that the motion for reconsideration in this case be, and hereby is, denied.

(Court of Appeals No 78407)

Signed Thomas J. Moyer
THOMAS J. MOYER
Chief Justice

0027r102401

APPENDIX F

THE CONSTITUTION OF THE UNITED STATES

ARTICLE I, SECTION 10

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any title of Nobility. ....

ARTICLE III, SECTION 1

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. ....

SECTION 2

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States And Treaties made, or which shall be made, under their Authority; --to all Cases affecting Ambassadors, other Public Ministers and Consuls;--to all Cases of admiralty or maritime Jurisdiction; --to Controversies which the United States shall be a Party; --to Controversies between tow or more States; --between a State and Citizens of another

State;

--between Citizens of different States; --between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects. ...

ARTICLE IV, SECTION 2, CLAUSE 1

The Citizens of each State shall be entitled to all the Privileges and immunities of citizens in the several States. ..

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a

Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT XIV

Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at

any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each house, remove such disability.

Section 4

The validity of the public debt of the United States,

authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

(Proposed 1866, Adopted 1868)

APPENDIX G

FEDERAL STATUTES

42 USCA § 1983 Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purpose of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

APPENDIX H

OHIO CONSTITUTION

O CONST I § 16 REDRESS FOR INJURY; DUE PROCESS

All courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice administered without denial or delay. Suits may be brought against the state, in such courts and in such manner, as may be provided by law.

O CONST IV § 2 ORGANIZATION AND JURISDICTION OF SUPREME COURT

(A) The supreme court shall, until otherwise provided by law, consist of seven judges, who shall be known as the chief justice and justices. In case of the absence or disability of the chief justice, the judge having the period of longest total service upon the court shall be the acting chief justice. If any member of the court shall be unable, by reason of illness, disability or disqualification, to hear, consider and decide a cause or causes, the chief justice or the acting chief justice may direct any judge of any court of appeals to sit with the judges of the supreme court in the place and stead of the absent judge. A majority of the supreme court shall be necessary to constitute a quorum or to render a judgment.

(B) (1) The supreme court shall have original jurisdiction ...

in the following:

(a) Quo warranto;

(b) Mandamus;

(c) Habeas corpus;

(d) Prohibition;

(e) Procedendo;

(f) In any cause on review as may be necessary to its complete determination;

(g) Admission to the practice of law, the discipline of persons so admitted, and all other matters relating to the practice of law.

(2) The supreme court shall have appellate jurisdiction as follows:

(a) In appeals from the courts of appeals as a matter of right in the following:

(i) Cases originating in the courts of appeals;

(ii) Cases involving questions arising under the constitution of the United States or of this state.

(b) In appeals from the courts of appeals in cases of felony

on leave first obtained,

(c) In direct appeals from the courts of common pleas or other courts of record inferior to the court of appeals as a matter of right in cases in which the death penalty has been imposed;

(d) Such revisory jurisdiction of the proceedings of administrative officers or agencies as may be conferred by law;

(e) In cases of public or great general interest, the supreme court may direct any court of appeals to certify its record to the supreme court, and may review and affirm, modify, or reverse the judgment of the court of appeals;

(f) The supreme court shall review and affirm, modify, or reverse the judgment in any case certified by any court of appeals pursuant to section 3 (B)(4) of this article.

(3) No law shall be passed or rule made whereby any person shall be prevented from invoking the original jurisdiction of the supreme court.

(C) The decisions in all cases in the supreme court shall be reported, together with the reasons therefor.